

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America)

v.)

JARAD MITCHELL) Case No.

8200 Vadith Court)

West Chester, Ohio)

*Defendant***1:10MJ-144**

CRIMINAL COMPLAINT

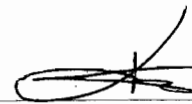
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 5/04/10 - 5/28/10 in the county of HAMILTON in the Southern District of Ohio, the defendant violated 21 U. S. C. § 846, an offense described as follows:

From on or about 5/4/10 to 5/28/10, Elad KRIVINSKY, Michael Shannon ALLEY, Shir KRIVINSKY, Benjamin GIBBS, Saulo VIZUETA, Jarad MITCHELL, and John BAKER, JR., knowingly conspired with each other and with others to commit offenses against the United States, to-wit, violations of Title 21, U.S.C. Sections 841(a)(1), (b)(1), and 860, by possessioning with intent to distribute and distributing 100 Kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, and by possessing 100 or more marijuana plants, in the Southern District of Ohio and elsewhere, within 1,000 feet of the real property comprising Withrow High School, a public secondary school.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT.

☒ Continued on the attached sheet.

Complainant's signature

KEITH E. STAMPER, SPECIAL AGENT, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/28/10City and state: CINCINNATI, OHIO

Judge's signature

HON. TIMOTHY S. HOGAN, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Keith E. Stamper, being duly sworn, declare and state:

1. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7) of Title 18, United States Code, that is, an officer of the United States who is empowered by the law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516.
2. I am a Special Agent (SA) for the Drug Enforcement Administration (DEA) and have been so employed since October 2000. Prior to being employed by the DEA, I was employed as a Police Officer in the State of Virginia for five years. As a Special Agent with DEA, my duties have included the investigations of violations of federal laws concerning the importation, manufacture, possession and distribution of controlled substances as defined by Title 21, United States Code, including controlled substances such as heroin, cocaine, methamphetamine, and other dangerous drugs. During my career with DEA, I have participated in numerous investigations involving drug trafficking, including investigations involving the court-authorized interception of wire, oral and electronic communications. I have attended specialized training schools conducted by the DEA and other Law Enforcement Agencies, and I have had frequent discussions with other experienced Law Enforcement Officers (both domestic and foreign), as well as admitted narcotics traffickers, confidential sources, witnesses, and cooperating defendants concerning the methods and practices of drug traffickers. I have participated in all aspects of drug investigations, including physical surveillance, undercover operations, executions of search warrants, and arrests of drug traffickers. I have conducted investigations into the unlawful importation, possession with intent to distribute, and distribution of controlled substances, as well as the related laundering of monetary instruments, the conducting of monetary transactions involving the proceeds of specified unlawful activities and conspiracies associated with criminal narcotics and money laundering offenses, in violation of Title 21, United States Code, Sections 841 (a)(1) and 846, and Title 18, United States Code, Section 1956.
3. I make this affidavit based upon personal knowledge derived from my participation in this investigation and upon information I believe to be reliable from the DEA Orlando and Jacksonville, Florida Offices, Cincinnati Police Department, Norwood Police Department, checks of computerized indices, and from Agents from the DEA. I have not included every fact involved with this investigation, however, only enough probable cause to support criminal complaints and arrest warrants against certain individuals identified herein.
4. I make this affidavit in support of criminal complaints against, and arrest warrants for Elad KRIVINSKY, Michael Shannon ALLEY, Shir KRIVINSKY, Benjamin GIBBS, Saulo VIZUETA, Jarad MITCHELL, and John BAKER, JR., for violations of Title 21, Sections 846, 841(a)(1) and (b)(1), and 860.

5. The places and vehicles referred to in this Affidavit are as follows: (1) 3754 Grovedale Place Cincinnati, Ohio 45208; (2) a 1998 GMC pick-up truck "Sonoma", red in color, bearing Vehicle Identification Number 1GTCS1447W8503867 and Ohio license plate EYQ-8181 (hereinafter "red GMC" or "red GMC pickup truck"), registered to Jessica Braun at 3609 Ely Road Wooster, Ohio; (3) 6236 Stewart Road Silverton, Ohio; (4) a 2005 Chevy Malibu, grey in color, bearing Vehicle Identification Number 1G1ND52F15M162253 and Florida license plate D833XX (hereinafter "grey Malibu" or "grey Chevy Malibu"), registered to Magruder E. Vizueta at 517 Seminole Avenue Longwood, Florida; (5) 4135 Carter Avenue Cincinnati, Ohio 45212; (6) a 2002 Chevy pickup truck, red in color, bearing Vehicle Identification Number 2GCEK19V121231338 and Ohio license plate EYS-3738 (hereinafter "red Chevy" or "red Chevy pickup truck"), registered to Michael Shannon Alley at 4135 Carter Avenue Cincinnati, Ohio; (7) 4104 Ivanhoe Avenue Cincinnati, Ohio 45212; (8) a 1998 Honda, blue in color, bearing Vehicle Identification Number 1HGCG1640WA023940 and Ohio license plate DBE-5919 (hereinafter "blue Honda"), registered to Michael Alley at 4104 Ivanhoe Avenue Cincinnati, Ohio; (9) 307 Home Avenue, Lockland, Ohio 45215; and (10) 4610 McNeil Avenue Cincinnati, Ohio 45212.
6. The affiant has been utilizing personal observations along with observations by other law enforcement personnel, intelligence from other DEA Offices, trash pull operations, and checks conducted by various data bases. Agents have on several occasions observed Elad KRIVINSKY, Michael Shannon ALLEY, Shir KRIVINSKY, Benjamin GIBBS, Saulo VIZUETA, Jarad MITCHELL, John BAKER, JR., and their associates frequent the above-listed locations and utilize the described vehicles, whether alone or together.
7. Beginning on or about 05-04-10, Agents and Officers began investigating the occupant/s at 3754 Grovedale Place. Agents/Officers subpoenaed utility records requesting current and past account holders, kilowatt usage past and present, accompanied by a usage comparison with surrounding neighbors. Utility records indicated that Jessica Braun was the current account holder. Historical records indicated that Elad and Hen KRIVINSKY were account holders prior to Braun. Kilowatt usage (past/present) indicated an abnormal high kilowatt usage in comparison with the surrounding neighbors. From March 3, 2010 to April 26, 2010, 7,488 kilowatts were used. Three surrounding neighbors -- during that same timeframe -- used 564 kilowatts, 564 kilowatts, and 546 kilowatts. Records indicated that during the time frame when Elad KRIVINSKY was the account holder, 3754 Grovedale Place had an abnormally high kilowatt usage. A check through DEA data bases on Elad and Hen KRIVINSKY indicated contacts in Orlando and Jacksonville, Florida. Intelligence gathered from both DEA Offices revealed that brothers Elad KRIVINSKY, Shir KRIVINSKY and Hen Krivinsky were targets of an investigation involving indoor marijuana growing operation and distribution. On January 28, 2010, Agents from the DEA Orlando Office seized \$5,000.00 in U.S. currency, 557 grams of marijuana, scales, and packaging material during a consent search from a residence occupied by Elad KRIVINSKY and his brothers. Hen KRIVINSKY gave consent to search the residence located in Orlando, Florida. Elad KRIVINSKY was not present during the consent search however, his temporary Ohio instruction ID card #TN629580 listing the address of 7250 Capri Way, Apt #8, Maineville, Ohio, was

located inside the residence along with his United States of America Passport. DEA Agents in Orlando and Jacksonville assisted Agents/Officers at the Cincinnati Resident Office in identifying Elad KRIVINSKY as an occupant at 3754 Grovedale Place.

Observations by Agents made on a regular basis at 3754 Grovedale Place reveal that all the windows and doors of the residence are continually closed with the blinds attached to those windows and doors pulled closed, making plain view inside the residence impossible.

8. Beginning on or about 05-11-10, a trash pull operation was conducted at 3754 Grovedale Place. The discarded trash was taken to a secure location where TFA Josh Schlie and SA Keith Stamper examined its contents. While searching through the garbage, TFA Schlie located paper documents. One of the paper documents was a receipt from WORMS WAY. This receipt listed several items made during a cash purchase on 04-15-2010. The listed items purchased were; ¼ air tubing (invoice #SAT520), GroCeck solution 1500 ppm (invoice #GCS510), GroCeck solution 1500 ppm (invoice #GCS505), 6 inch air stone (invoice #SAS506), and Hydroton – 8/16 mm, 50 L (invoice #HYD320). A cash payment of \$152.16 was made for the above listed items. Also located in the garbage were JPMorgan Chase Bank receipts showing two deposits into account (last four digits 2346) \$1,800 and account (last four digits 5726) \$200.00. The JPMorgan branch (000131) is located at 822 Delta Avenue, in the Mount Lookout neighborhood of Cincinnati, Ohio. TFA Schlie located documents listing Elad KRIVINSKY as a resident at 3754 Grovedale Place Cincinnati, Ohio 45208. Additionally, TFA Schlie located an empty white box (marked N-3) with the word “Tsunami” written in blue on the side of it. At the end of the box was a model number and serial number written FL-750G-2 and S/N:90064. The next day, SA Stamper reviewed the WORMS WAY web site www.wormsway.com and located the all above [purchased] products along with their descriptions. Hydroton is used as a soil replacement for hydroponics. TFA Schlie conducted a google search on that same day and located the web site www.tsunamewaterpipes.com. A product search on the web site matched the above model number FL-750G-2 to a 15' gold frosted/window water bong, which is drug paraphernalia used commonly for smoking marijuana. On that same date at approximately 12:08 a.m., surveillance observed the above mentioned GMC pick-up truck pull onto Grovedale Place being followed by a white Dodge pick-up truck bearing Ohio temp LPN S695693. The GMC pulled half way into the driveway of 3754 Grovedale Place and the Dodge pick-up parked in front of the residence. Surveillance observed Jarad MITCHELL exit the Dodge and walk towards the tailgate of the GMC truck. Surveillance observed Elad KRIVINSKY exit the GMC pick-up and walk directly to the front door. Elad KRIVINSKY entered the residence. At that same time, MITCHELL was observed carrying unknown (contents) metal cylinders (one in each hand) into the front door. Surveillance heard the cylinders “clanging” while Jarad MITCHELL was carrying them to the front door. Jarad MITCHELL entered the residence with the unknown metal cylinders and the door then closed behind him. Based on your affiant’s training and experience, indoor marijuana grow operations at times utilize carbon dioxide (CO2) which is contained in metal cylinders such as the ones observed herein, to aid in the “budding” (or “flowering”) phase of marijuana plant growth.

9. On 05-11-10, Agents/Officers conducted surveillance operations at 3754 Grovedale Place. At approximately 8:01 p.m., surveillance units observed a grey Chevy Malibu bearing Florida license plate number D833XX parked in the driveway. At approximately 9:19 p.m., surveillance units observed a red GMC pickup truck pull in front of the residence at 3754 Grovedale Place. Surveillance observed Shir KRIVINSKY and Saulo VIZUETA exit the truck and enter 3754 Grovedale Place. At approximately 9:23 p.m., surveillance observed Vizueta exit the residence and enter the grey Chevy Malibu. The Chevy departed the area and traveled to 6236 Stewart Road. Surveillance units observed VIZUETA exit the Malibu, walk to the mailbox located at the end of the driveway, and then check for mail. VIZUETA walked inside the residence located at 6236 Stewart Road. Agents/Officers subpoenaed utility records requesting current and past account holders, kilowatt usage past and present, accompanied by a usage comparison with surrounding neighbors. Utility records indicated that Saulo VIZUETA was the current account holder. A kilowatt usage (past/present) indicated an abnormally high kilowatt usage in comparison with the surrounding neighbors. From March 24, 2010 to April 22, 2010, 4,968 kilowatts were used at 6236 Stewart Road. Surrounding neighbors -- during that same timeframe -- used 512 kilowatts, and 1,415 kilowatts. Observations made by Agents at 6236 Stewart Road revealed that windows and doors of the residence were closed, with the blinds attached to those windows and doors also pulled closed, making plain view inside the residence impossible. In addition, Agents/Officers observed a blue tarp/cloth covering the garage windows.
10. On 05-13-10, surveillance on the red GMC pick-up truck bearing Ohio license plate number EYQ-8181 led Agents/Officers to 4135 Carter Avenue. At approximately 1:35 p.m., surveillance observed a red Chevy pick-up bearing Ohio license plate number EYS-3738 pull into the drive way at 4135 Carter Avenue. SA Stamper observed two white males exit the truck and walk to the front of the residence. The white males were later identified as Michael ALLEY and Shir KRIVINSKY. TFA Schlie was able to determine that ALLEY was associated with properties in the same area of 4135 Carter Avenue. ALLEY is an owner of the property located at 4014 Ivanhoe Avenue, which is located one street up and parallel with Carter Avenue. Surveillance observed a blue Honda bearing Ohio license plate number DBE-5919 parked in the driveway there. A registration check confirmed that the vehicle was registered to Michael ALLEY at 4104 Ivanhoe Avenue. At approximate 4:21 p.m., surveillance observed Shir KRIVINSKY exit 4135 Carter Avenue and depart in the red GMC pickup truck. Surveillance units observed the red GMC pickup truck stop in front of 3754 Grovedale Place where Shir KRIVINSKY then entered the residence. Agents/Officers subpoenaed utility records for 4135 Carter Avenue, requesting current and past account holders, kilowatt usage past and present, accompanied by a usage comparison with surrounding neighbors. Utility records indicated that Michael Alley was the current account holder. A kilowatt usage (past/present) indicated an abnormally high kilowatt usage in comparison with the surrounding neighbors. From March 31, 2010 to April 29, 2010, 3,846 kilowatts were used at 4135 Carter Avenue. Surrounding neighbors -- during that same time frame -- used 289 kilowatts and 241 kilowatts. Observations made by Agents at 4135 Carter Avenue revealed that windows and doors of the residence were closed, with the blinds

attached to those windows and doors also pulled closed, making plain view inside the residence impossible.

11. Your affiant requested Duke Energy utility records for residences belonging to or associated with Michael ALLEY and Elad KRIVINSKY. A search revealed that Elad KRIVINSKY was a prior account holder at 3754 Grovedale Place (prior to the current account holder, Jessica Braun). A search revealed that Michael ALLEY is a current account holder at 4135 Carter Avenue, 4104 Ivanhoe Avenue, 219 North Cooper Avenue, and 307 Home Avenue and was a prior account holder at 4610 McNeil Avenue. A kilowatt usage check for the past 12 months indicated an extremely high kilowatt usage at 4135 Carter Avenue, 4104 Ivanhoe Avenue, 307 Home Avenue, and 4610 McNeil Avenue. According to account records, Benjamin GIBBS became an account holder at 4610 McNeil Avenue immediately after Michael ALLEY terminated service there on July 9, 2009. A kilowatt usage check revealed that Benjamin GIBBS' monthly kilowatt usage at 4160 McNeil Avenue was just as abnormally high as when Michael ALLEY was an account holder at 4160 McNeil Avenue. A comparison in kilowatt usage to surrounding residences at the above mentioned locations revealed a drastic difference in kilowatt usage.
12. Based on your affiant's training and experience, high kilowatt usage in places such as those identified in this Affidavit is indicative of indoor marijuana growing operations. This is in part due to the fact that indoor marijuana growing operations typically utilize electric grow lights, electric fans, electric pumps, electric timers, electric drying heaters, and electric dehumidifiers to aid in the growing process. In addition, based on your affiant's training and experience utilizing multiple locations to grow indoor marijuana is consistent with keeping a frequently-harvestable crop for processing and sale. A continuous harvest of marijuana and sale is necessary to generate money to sustain a consistent cycle of harvestable marijuana.
13. On 05-20-10, SAs John Pearson and Keith Stamper attempted to pull trash at 4104 Ivanhoe Avenue located in Norwood, Ohio. Agents observed refuse cans/trash placed out for a scheduled pick up (05-20-10) in front of other residences on Ivanhoe Avenue however, Agents observed no refuse cans or trash placed out for pick up at 4104 Ivanhoe Avenue. Agents observed a trash can in the driveway on the right side of the residence positioned at the front of the residence. Agents observed a blue Honda parked in the driveway bearing Ohio license plate number DBE-5919 and registered to Michael ALLEY.
14. On 05-20-10, Agents attempted to pull trash at 4135 Carter Avenue. Agents observed refuse cans/trash placed out for a scheduled pick up (05-20-10) in front of other residences on Carter Avenue however, Agents observed no refuse cans or trash placed out for pick up at 4135 Carter Avenue. Agents observed a red Chevy pickup truck parked in the driveway bearing Ohio license plate number EYS-3738 and registered to Michael ALLEY.
15. On 05-20-10, Agents attempted to pull trash at 4610 McNeil Avenue. Agents observed

refuse cans/trash placed out for a scheduled pick up (05-20-10) in front of other residences on McNeil Avenue however, Agents observed no refuse cans or trash placed out for pick up at 4610 McNeil Avenue. Agents observed a Toyota parked in the driveway bearing Ohio license plate number EPE-3622 and registered to Benjamin GIBBS.

16. On 05-20-10, surveillance was established at 2692 Madison Road in the parking lot in front of Buffalo Wild Wings Restaurant. Surveillance observed a red GMC pickup truck bearing Ohio license plate number EYQ-8181 parked in the parking lot. Elad KRIVINSKY was observed exiting Buffalo Wild Wings Restaurant and departing the area in the red GMC pickup truck. At approximately 9:03 p.m., surveillance observed the red GMC pickup truck at 307 Home Avenue. SA Stamper observed the vehicle parked in the driveway in front of the detached garage. No other vehicles were parked in the driveway or in front of the residence. SA Stamper and TFA Hackney observed lights on inside the residence. The residence at 307 Home Avenue is owned by Michael ALLEY who is the account holder of utilities. At approximately 9:08 p.m., KRIVINSKY exited 307 Home Avenue and departed the area in the red GMC pickup truck. Based on your affiant's training and experience your affiant believes that 307 Home Avenue is utilized strictly to grow indoor marijuana.
17. On 05-21-10, SA Keith Stamper met with Cincinnati Police Vice Squad Officer Steve Batsch. Batsch informed SA Stamper that on 11-03-09, SA David Reames and Sgt. Chris Conners pulled and examined the trash at 307 Home Avenue, Lockland, Ohio, which had been placed out for schedule pick up. SA Reames and Sgt. Conners located and seized approximately 3.22 grams of marijuana (lab results tested positive), a WORMS WAY receipt dated 10-29-09 for a "CF Pre-Filter for can 150 Model CP6150". SA Stamper conducted a product search on the WORMS WAY website (www.wormsway.com/kentucky) for item CP6150 with result: Can Pre-Filter - for CF 150 \$23.50 and a description; This high-quality Can Pre-Filter wraps around a Can Filter 150 to protect it from dust and dirt. SA Stamper did a product search for Can Filter 150. A search results indicated; Can Filter 150 item #CF6150 is 60" tall and weighs 150 lbs. A description of the Can Filter 150 states; When used in conjunction with the appropriate inline fan, the heavy-duty Can Filter 150 successfully eliminates odors via activated carbon for up to 18 months. Can Filter comes with pre-filter; a flange is sold separately. A kilowatt usage check during the above trash pull time (11-03-09) indicated an abnormal high kilowatt usage in comparison with the surrounding neighbors. The kilowatt usage from the time of the trash pull to the present has indicated an abnormally high kilowatt usage. Batsch informed SA Stamper that spot surveillances have been conducted at various times from 02-25-10 to the present at 307 Home Avenue. Batsch stated that the residence at 307 Home Avenue appears to be dark and unoccupied. Based on your affiant's training and experience your affiant believes that 307 Home Avenue is utilized strictly to grow indoor marijuana.
18. On 05-21-10, at approximately 3:03 p.m., surveillance was established at 4135 Carter Avenue. Agents observed a red GMC pickup bearing Ohio license plate number EYQ-8181 parked on Carter Avenue just before the cross street of Hopkins Avenue. At

approximately 3:23 p.m., TFA Schlie observed a red Chevy pickup truck bearing Ohio license plate number EYS-3738 pull into the driveway at 4135 Carter Avenue. TFA Schlie observed Michael ALLEY, Elad KRIVINSKY and Shir KRIVINSKY exit the pickup truck and enter the residence at 4135 Carter Avenue through the front door. Thereafter, TFA Derek Boyd observed Elad KRIVINSKY, Shir KRIVINSKY, and ALLEY exit the residence from the front door. ELAD KRIVINSKY and Shir KRIVINSKY entered the GMC pickup truck and then departed the area. Michael ALLEY entered the Chevy pickup truck and departed the area. At approximately 3:57 p.m., TFA Schlie observed the Chevy pickup truck stopped in the driveway at 4610 McNeil Avenue. TFA Schlie did not observe any other vehicles parked in the driveway. At approximately 3:58 p.m., TFA Schlie observed the red Chevy pickup truck departing 4610 McNeil Avenue. At approximately 4:04 p.m., surveillance followed the red GMC pickup truck to 3370 Paxton Avenue. At approximately 4:09 p.m., surveillance followed the Chevy pickup truck to 3370 Paxton Avenue. TFA Schlie observed ALLEY and an unknown white male (utilizing crutches) exit the truck and walk into a Jersey Mike's Submarine shop. At approximately 4:33 p.m., TFAs Flick and Boyd observed ALLEY, the unknown white male on crutches, Elad KRIVINSKY, and Shir KRIVINSKY exit Jersey Mike's and walk toward the red GMC pickup truck. All individuals engaged in a brief conversation and concluded the conversation with a hand shake. Elad KRIVINSKY and Shir KRIVINSKY entered the GMC pickup truck. At that same time, ALLEY and the unknown white male on crutches entered the red Chevy pickup. Both parties departed the area.

19. On 05-24-10, at approximately 5:10 p.m., the Cincinnati Resident Office conducted spot surveillance at 6236 Stewart Road. TFA Ken Baker observed no vehicles parked in the driveway at 6236 Stewart Road or activity in or around the residence. At approximately 5:18 p.m., TFA Baker observed a grey Chevy Malibu bearing Florida license plate number D833XX pull into the driveway. TFA Baker identified Saulo VIZUETA exit the Malibu and walk toward the trunk. VIZUETA retrieved what appeared to be a 20 pound bag of "Miracle Grow" potting soil mix. TFA Baker observed VIZUETA throw the bag on his shoulder and look up and down Stewart Road as if to see if someone was watching him. VIZUETA closed the trunk of the Malibu and entered the residence through a door in between the front door and garage door. Based on your affiant's training and experience, Miracle grow potting soil is utilized in the growing process of indoor marijuana.
20. On 05-25-10, at approximately 6:11 p.m., Agents conducted surveillance at 4104 Ivanhoe Avenue, Cincinnati, Ohio, and observed that a red GMC pickup truck bearing Ohio license plate EYQ-8181 stopped at 4104 Ivanhoe Avenue. At approximately 6:56 p.m., TFA Chad Whitford observed the red GMC pickup truck parked in the driveway at 4104 Ivanhoe. In front of the GMC pickup truck there was parked a blue Honda Accord bearing Ohio license plate number DBE-5919 and registered to Michael ALLEY. In the driveway in front of the Honda there was a red Chevy pickup truck bearing Ohio license plate number EYS-3738 and registered to Michael ALLEY. The red Chevy pickup truck was backed in, with the front of the truck facing Ivanhoe Avenue. TFA Whitford observed the custom bed cover raised on the Chevy pick-up. At approximately 7:04 p.m.,

TFA Whitford observed Elad KRIVINSKY appear from the right side of the residence walking down the driveway toward the parked red GMC pickup truck. Elad KRIVINSKY entered the red GMC pickup truck and departed the area. At approximately 7:10 a.m., SA Keith Stamper observed the red GMC pickup truck parking in front of 3754 Grovedale Place. Elad KRIVINSKY exited the red GMC pickup truck and walked inside the residence.

21. On 05-25-10, at approximately 12:44 a.m., surveillance units observed a red GMC pickup truck bearing Ohio license plate number EYQ-8181 parked in the driveway at 4135 Carter Avenue. At approximately 1:15 a.m., Elad KRIVINSKY was observed exiting the front door at 4135 Carter Avenue and entering the red GMC pickup truck. The red GMC pickup truck departed the area. At approximately 2:34 a.m., the GMC was observed parking in front of 3754 Grovedale Place. Elad KRIVINSKY exited the GMC and walked down the driveway. Surveillance observed Elad KRIVINSKY drag one refuse can up the driveway for the scheduled pick up (05-25-10). At approximately 3:30 a.m., TFA Schlie and SA Stamper conducted a trash pull operation at 3754 Grovedale Place. The discarded trash was taken to a secure location where TFA Josh Schlie and SA Keith Stamper examined its contents. While searching through the garbage, TFA Schlie and SA Stamper located paper documents, which included: (1) United Airlines ticket stub (for Shir KRIVINSKY) from Denver to Cincinnati on May 21, 2010; (1) heavy-duty timer instructions; (1) Time Warner cable bill in the name of "Jessica Braun"; (1) U S Lawn of Cincinnati 4019 Plainville Road service bill for Elad KRIVINSKY at 3754 Grovedale Place; (1) UPS delivery receipt; and (1) piece of construction paper with the handwritten numbers of 20800 # 5.00 written on it. SA Stamper also located two clear sandwich baggies which contained pieces of green, plant-like material. Based on your affiant's training and experience, a heavy-duty timer is utilized to aid in an indoor growing operation in order to control electric grow lights, electric water distribution pumps, electric fans and other devices used to assist in the growing process of marijuana. Based on your affiant's and other trained Agents'/Officers' training and experience, the pieces of green, plant-like material inside the sandwich baggies looked and smelled like marijuana.
22. On 05-26-10, starting at 12:00 a.m., trash pull operations were attempted at 307 Home Avenue, 219 Cooper Avenue, and 8200 Vadith Court. TFA James Whitehouse observed refuse cans/trash placed out for a scheduled pick up (05-26-10) in front of other residences on Home Avenue, Cooper Avenue, and Vadith Court however, TFA Whitehouse observed no refuse cans or trash placed out for pick up at the specific addresses on those streets as listed above. TFA Whitehouse further noted that a white Dodge pickup truck bearing Ohio temporary registration S695693 was parked in the driveway to 8200 Vadith Court. This Dodge is the same vehicle observed on May 11, 2010 being driven to 3754 Grovedale Place by Jarad MITCHELL. Jarad MITCHELL was observed on that date carrying the metal cylinders into 3754 Grovedale Place.
23. On 05-26-10, at approximately 9:40 a.m., surveillance observed a red Chevy pickup truck bearing Ohio license plate number EYS-3738 parked in front of 3754 Grovedale Place. SA Stamper observed that Michael ALLEY was the driver of that Chevy pickup

truck. At approximately 9:41 a.m., Elad KRIVINSKY was observed exiting the front door at 3754 Grovedale Place carrying a hammer and a DVD/CD case. Elad KRIVINSKY opened the right rear passenger side door of the Chevy pickup truck. At that same time SA Stamper observed a black male sitting in the front passenger seat, later identified as John J. BAKER JR. At approximately 9:42 a.m., the Chevy pickup truck departed 3754 Grovedale Place. At approximately 10:18 a.m., surveillance observed a grey Malibu bearing Florida license plate number D833XX traveling east on Stewart Road toward 6236 Stewart Road. SA Stamper observed that Saulo VIZUETA and an unknown white male were the occupants. At approximately 10:20 a.m., SA Stamper observed the Malibu pull into the driveway at 6236 Stewart Road. At that same time, SA Stamper observed a Chevy pickup truck bearing Ohio license plate number EYS-3738 parked across the street from 6236 Stewart Road. SA Stamper observed Michael ALLEY, Elad KRIVINSKY, John J. BAKER JR., an unknown black male with a thin build, and an unknown white male exit the Chevy pickup truck. SA Stamper observed all individuals walk towards 6236 Stewart Road. SA Stamper observed Elad KRIVINSKY carrying a hammer and a DVD/CD case. Elad KRIVINSKY handed the DVD/CD case to Saulo VIZUETA and all parties entered 6236 Stewart Road through the door in-between the front door and garage door. At approximately 11:42 a.m., SA Stamper observed Michael ALLEY, John J. BAKER JR., an unknown black male with a thin build, and an unknown white male exit the residence via the front door. All parties walked across Stewart Road towards the direction of the parked Chevy pickup truck. SA Stamper observed that all of these individuals appeared to be sweating profusely. All parties entered the Chevy pickup truck. At approximately 11:42 a.m., Elad KRIVINSKY and Saulo VIZUETA exited the residence through the door in between the front door and garage door. Elad KRIVINSKY and Saulo VIZUETA walked towards the parked Chevy pickup truck. SA Stamper observed both Elad KRIVINSKY and Saulo VIZUETA sweating profusely -- their shirts appeared to be saturated with sweat. Elad KRIVINSKY was observed carrying a hammer and an unidentifiable tool. Elad KRIVINSKY entered the red Chevy pickup truck and the vehicle departed. At approximately 11:55 a.m., surveillance followed the red Chevy pickup to 4135 Carter Avenue. Michael ALLEY, Elad KRIVINSKY, John J. BAKER JR., an unknown black male with a thin build, and an unknown white male exited the red Chevy pickup truck and entered the residence. At approximately 12:09 p.m., Michael ALLEY departed 4135 Carter Avenue in the red Chevy pickup truck and was followed to 4610 McNeil Avenue. At approximately 12:11 p.m., Michael ALLEY departed 4610 McNeil Avenue and TFA Baker observed a blue tub in the front passenger seat of the vehicle. At approximately 12:13 p.m., SA Stamper observed ALLEY pull into the driveway at 4135 Carter Avenue and carry the blue tub into the residence. At approximately 3:21 p.m., TFA Mike Hackney observed Michael ALLEY and Elad KRIVINSKY together carry the above-mentioned blue tub to the red Chevy pickup truck, in a manner that suggested it contained something heavy. TFA Hackney observed Michael ALLEY walk back inside the residence and then immediately walk back out carrying an unknown object with clothes wrapped about it as if to conceal its identity. TFA Hackney observed Michael ALLEY and Elad KRIVINSKY enter the red Chevy pickup truck and depart the area. At approximately 3:22 p.m., surveillance followed the Chevy pickup truck to 4104 Ivanhoe Avenue.

Surveillance observed the Chevy pickup truck backed down the driveway with the custom bed cover raised. TFA Baker observed Elad KRIVINSKY and Michael ALLEY remove the blue tub out from the bed of the pickup and carry it towards the rear of the residence. At approximately 4:13 p.m., Elad KRIVINSKY and Michael ALLEY departed 4104 Ivanhoe in the Chevy pickup truck and were followed to 3754 Grovedale Place. Elad KRIVINSKY exited the Chevy pickup truck and entered the residence. At approximately 4:38 p.m., surveillance followed the Chevy pickup truck to the Lowes Home Improvement store located at 5385 Ridge Avenue. Michael ALLEY was observed entering the business and purchasing a Frigidaire 50 pint dehumidifier and dehumidifier drain hose. At approximately 4:55 p.m., Michael ALLEY exited Lowes, placed the dehumidifier and hose into the pickup truck, and departed the area. At approximately 5:05 p.m., surveillance observed the Chevy pickup truck pull into the driveway at 4135 Carter Avenue. Based on your affiant's training and experience, a dehumidifier is commonly utilized to speed up the drying process of harvested marijuana.


24. On 05-27-10, TFAs Josh Schlie and Chad Whitford, and SA Stamper conducted trash pull operations at 4135 Carter Avenue, 4610 McNeil Avenue, and 4104 Ivanhoe Avenue. Agents located trash placed out for refuse pick up in front of 4135 Carter Avenue. When agents approached the refuse can they encountered the strong odor of marijuana. The discarded trash was taken to a secure location where Agents examined its contents. While searching through the garbage, Agents located numerous paper documents listing account numbers and addresses associated with the name Michael ALLEY and addresses of 4104 Ivanhoe Avenue, 4135 Carter Avenue, 307 Home Avenue and 219 N. Cooper Avenue. Agents also located an empty seal-a-meal (vacuum storage bags) box. Based on your affiant's training and experience, individuals involved with the distribution of illegal drugs, to include marijuana, commonly use such vacuum storage bags to package their finished product for distribution. A search of trash at 4610 McNeil Avenue revealed paper documents listing the name of Benjamin GIBBS as the occupant. Agents were unable to conduct a trash pull operation at 4104 Ivanhoe Avenue because again there was no trash placed out for scheduled pick up.
25. Based on the investigation conducted by the affiant and other law enforcement personnel, evidence of crime, contraband, fruits of crime, items illegally possessed, and property designed or intended for use or used in committing crime were found at 3754 Grovedale Place, Cincinnati, Ohio, the residence occupied by Elad and Shir KRIVINSKY; 6236 Stewart Road, Silverton, Ohio, the residence occupied by Saulo VIZUETA; 4135 Carter Avenue, Cincinnati, Ohio, the residence occupied by Michael ALLEY; 4104 Ivanhoe Avenue, Cincinnati, Ohio, a residence owned by Michael ALLEY; 307 Home Avenue, Lockland, Ohio, a residence owned by Michael ALEY; and 4610 McNeil Avenue, Cincinnati, Ohio, a residence owned by Michael ALLEY, as described in general, below. At each location, nearly identical supplies and growing systems were found.

26. 05-28-10, at approximately 6:30 a.m., Agents/Officers of the Cincinnati DEA executed a Federal Search Warrant at 3754 Grovedale Place Cincinnati, Ohio, which is within 1000 feet of the real property comprising Withrow High School, a public secondary school. Agents located Elad KRIVINSKY inside the residence without incident. Once the residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, propane tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. Agents located a large black garbage bag inside the kitchen freezer, filled with cut marijuana. Agents also observed the back rear entry door, which leads to the basement, secured with a make shift 2x4 piece of lumber cross bar barricade. All drug and non-drug evidence was seized and transported to a secure location. Elad KRIVINSKY immediately informed Agents that he requested the presence of an Attorney. Elad KRIVINSKY was arrested and transported for processing.
27. On 05-28-10, at approximately 6:30 a.m., Law Enforcement Officers per the request of the Cincinnati DEA assisted in the execution of a Federal Search Warrant at 4135 Carter Avenue Cincinnati, Ohio. Agents located Michael ALLEY and acquaintance, Brandy BARRETT inside the residence without incident. Once the residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, propane tanks, CO2 tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. In the upstairs bedroom Agents located a plastic tub containing a large quantity of marijuana buds. Also located in the bedroom Agents located US currency, scales, and packaging material consistent with distribution. All drug and non-drug evidence was seized and transported to a secure location. Michael ALLEY immediately informed Agents that he requested the presence of an Attorney. Michael ALLEY was arrested and transported for processing.
28. On 05-28-10, at approximately 6:30 a.m., Law Enforcement Officers per the request of the Cincinnati DEA assisted in the execution of a Federal Search Warrant at 307 Home Avenue Lockland, Ohio. Agents did not locate any occupants inside the residence. Once the residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, CO2 tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. Agents stated that the first and second floors were empty and that it appeared that no one lived at the residence. All drug and non-drug evidence was seized and transported to a secure location.

29. On 05-28-10, at approximately 6:30 a.m., Law Enforcement Officers per the request of the Cincinnati DEA assisted in the execution of a Federal Search Warrant at 4104 Ivanhoe Avenue Cincinnati, Ohio. Agents did not locate any occupants inside the residence. Once residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, CO2 tanks, propane tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. Agents located a drying room on the third floor of the residence. Your affiant observed numerous rows of marijuana hanging upside down and a dehumidifier unit running. All drug and non-drug evidence was seized and transported to a secure location. Benjamin GIBBS was arrested and transported for processing.
30. On 05-28-10, at approximately 6:30 a.m., Law Enforcement Officers per the request of the Cincinnati DEA assisted in the execution of a Federal Search Warrant at 4610 McNeil Avenue Cincinnati, Ohio. Agents located Benjamin GIBBS inside the residence. Once residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, CO2 tanks, propane tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. All drug and non-drug evidence was seized and transported to a secure location.
31. On 05-28-10, at approximately 7:00 a.m., Law Enforcement Officers per the request of the Cincinnati DEA assisted in the execution of a Federal Search Warrant at 6236 Stewart Road, Silverton, Ohio. Agents did not locate any occupants inside the residence. Once the residence was secured, a search of the premises was conducted. Agents observed an indoor marijuana growing operation in the basement of the residence, including but not limited to numerous "blooming" marijuana potted plants, indoor growing lights, ventilation fans, exhaust fans, timer units, CO2 tanks, heating units, fertilizer, harvested marijuana, potting soil replacement pellets, and water pumping devices. Agents stated that paper documents belonging to Saulo VIZUETA were located inside the residence. All drug and non-drug evidence was seized and transported to a secure location.
32. Based on the aforementioned facts set forth in the affidavit, your affiant further believes that there is probable cause to believe that Elad KRIVINSKY, Michael Shannon ALLEY, Shir KRIVINSKY, Benjamin GIBBS, Saulo VIZUETA, Jarad MITCHELL, John BAKER, JR., and other, unidentified co-conspirators have violated Title 21, Sections 846, in that there is evidence that on or about the dates set forth in this Affidavit and the Complaints, the above-mentioned persons knowingly conspired with each other and with others to commit offenses against the United States, to-wit, violations of Title 21, U.S.C. Sections 841(a)(1), (b)(1), and 860, by possessing with intent to distribute and distributing 100 Kilograms or more of a mixture or substance

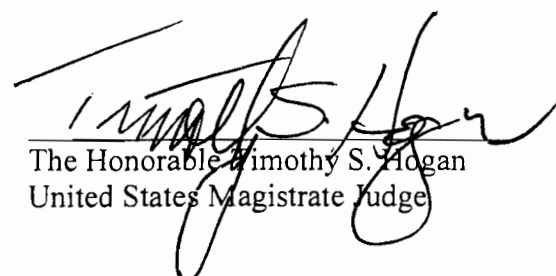
containing a detectable amount of marijuana, a Schedule I Controlled Substance, and by possessing 100 or more marijuana plants, in the Southern District of Ohio and elsewhere, within 1,000 feet of the real property comprising Withrow High School, a public secondary school, and at other locations within the Southern District of Ohio.

I swear that this affidavit is true to the best of my knowledge and belief and further, your affiant sayeth naught.



Keith E. Stamper
Special Agent
Drug Enforcement Administration

Sworn to and subscribed before
me this 28 day of May, 2010



The Honorable Timothy S. Hogan
United States Magistrate Judge